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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,887	05/26/2000	Steven Rosaria	MS1-556US	9949
22801	7590	09/23/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			CHAVIS, JOHN Q	
			ART UNIT	PAPER NUMBER
			2124	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary	Application No.	Applicant(s)
	09/579,887	ROSARIA ET AL. <i>SJ</i>
	Examiner	Art Unit
	John Chavis	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10, 12-37 and 42-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10, 12-37 and 42-70 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date. _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 12-37, and 42-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Brodersen.

Claims

1. A finite state model-based testing system comprising:

Brodersen

See the title and abstract of the invention. The applicant indicates that Brodersen does not generate to be tested; however, Brodersen indicates that a state model is created (generated). The model comprises rules and conditions, again see the abstract. The rules and conditions inherently implies testing. Furthermore, nothing in the body of this claim refers to testing; therefore, the feature is considered merely a desired effect. Also, see Brodersen's page 1 sect [0010], which indicates that prerequisites must be met (via testing) and see sect [0013], which 'introduce testing and quality control steps.'

a model generation engine

Again see the "creating" step in the abstract.

configured to generate a model...

See page 1 sects. 0006-0007.

the model being generated from Parameters...

See sect. 0008.

a user interface to enable use entry of parameters **to define the model** and indicates that

See again the abstract and fig. 3. Also, see sect [0003], which users (inherently via fig. 3) develop (define the model) customized to their needs. Therefore, each of the applicant's claimed features are taught, as indicated previously. Also, see sects. 0049 and 0056.

a test driver to initiate a test of the software application with a test sequence of inputs generated from the model of the software application.

See sects. 0053-0054, page 6 (the virtual error codes), the error codes on pages 17 and 19 and the verify (testing) portion on the bottom of page 19, the debug (testing) portion on the bottom of page 20, the verify, validate and error codes on the bottom of page 26. Broderson further specifies introducing testing or quality control steps in sect. 0013.

2. ... wherein the user interface enables a user to enter state information and transition information...

See page 1 section (sect.) 0009, the abstract (the user then selects or defines (that describes) state transitions for the state model (inherently via the user interface).

3. ... operational mode... is an attribute of a particular state of the software application;

See page 1 sect. 0010 and the rejection of claim 2 above.

... wherein the modal value describes a

See page 2 sect. 0016.

behavior...

an input of the software application.

See page 2 sects. 0017 and 0028.

4. ... a current state of the software a next state of the software application...

See again page 2 sects. 0017 and 0030. Also, see again the rejection of claim 2.

5. ... enable user entry...

See again fig. 3, page 4 sect. 0049 and the rejection of claim 2.

6. ... comprises a rules editor to enable user entry...

See the rejection of claim 4 and the rejection of claim 2.

7. ... the model is a state table...

See sects. 0013-0015. See again the verifying, debug and testing portions indicated above.

8. ... the user interface comprises a graph traversal menu...

See the rejection of claim 7 above. The cycles, flows, steps and states in sects. 0013-0015 provides for graph traversal menus. Note also in the top of fig. 3 that the graph is labeled "State Model transitions" (traversals), with menus provided via Transitions (63) of fig. 3. The test feature is indicated in claim 1 above. See also again sect. 0015. Also, the numerous drop down boxes (represented by arrows in fig. 3) further illustrates a graph traversal menu.

Claims 9-10 are rejected as claim 8 above.

The features of claims 12-13 are taught via claim 2. For the testing interface, see again sects. 0006-0007, 0049 and 0056. Also, see the rejection of claim 4.

In reference to claims 14-16, see the rejection of claims 2-5.

As per claims 17 and 18, see again the rejection of claim 5.

The features of claim 19 are taught via claim 3.

Claim 20 is taught via claim 4 in view of claim 7.

In reference to claim 21, see the rejection of claim 7 in view of claim 4.

As per claims 22-21, see again the rejection of claim 12 in view of claim 8.

The features of claim 28 are taught via claim 3.

Claim 29 is taught via claim 4 in view of claim 2.

In reference to claim 30, see the rejection of claim 3.

As per claim 31, see again the rejection of claim 9.

The features of claim 32 are taught via claim 7.

Claim 33 is taught via claim 4 in view of claim 7.

In reference to claims 34-35, see the rejection of claims 2.

As per claim 36-37, see again the rejection of claim 20.

The features of claim 38 are taught via claim 3.

Claims 39-41 are taught via page 1 sect. 0005, since a sequence is inherently a linked list. Also, note again the transitioning from one state to the next, page 3 section 0047.

In reference to claim 42, see the rejection of claims 9 in view of 4.

As per claims 43-44, see again the rejection of claim 3.

The features of claim 45 are taught via claim 7.

Claim 46 is taught via claim 7 in view of claim 6.

In reference to claim 47, see the rejection of claim 9.

As per claim 48, see again the rejection of claim 27.

The features of claims 49-51 are taught via claim 1-3.

Claim 52 is taught via claim 2.

In reference to claims 53, see the rejection of claim 9.

As per claims 54, see again the rejection of claim 7.

The features of claim 55 are taught via claim 2.

Claims 56-59 are taught via claim 4 in view of claims 2 and 7. Also, see again sects. 0030 and 0019 in view of fig. 3. (items 61 (state information) and 63 (transition information)), which is inherently tested as indicated above.

Furthermore, see sect. 0049-0054. The last paragraph of sect. 0064 indicates that inputs are merely test sequences, see specifically the "comparison of the deal with optimal deals. Sect. 0064 also enable the user to select the specific templates (driver programs).

In reference to claim 60, see the rejection of claims 35.

As per claim 61, see again the rejection of claim 7.

The features of claim 62 are taught via claim 16.

Claims 63-64 are taught via claim 4 in view of claim 7.

In reference to claims 65-70, see the rejection of claim 9 in view of claim 7.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

September 20, 2004



JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124